

1 EDMUND G. BROWN JR.
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 KEVIN J. RIGLEY
Deputy Attorney General
4 State Bar No. 131800
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 620-2558
6 Facsimile: (213) 897-2804
Attorneys for Complainant
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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No.

2010-603

12 **VALEREE ANN ZAMORA,**
13 **AKA VALERIE ANN WHITE, and**
AKA VALERIE ANN SMITH
14 P.O. Box 402827
Hesperia, CA 92340

ACCUSATION

15 **Registered Nurse License No. RN 403274**

16 Respondent.
17

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19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., R.N. (Complainant) brings this Accusation solely in her
22 official capacity as the Interim Executive Officer of the Board of Registered Nursing (Board).

23 2. On or about August 3, 1986, the Board issued Registered Nurse License Number RN
24 403274 to Valerie Ann White, AKA Valerie Ann Smith, and now known as Valeree Ann Zamora
25 (Respondent). The Registered Nurse License was in full force and effect at all times relevant to
26 the charges brought herein and will expire on May 31, 2010, unless renewed.

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1 8. Section 2761 of the Code states:

2 "The board may take disciplinary action against a certified or licensed nurse or deny an
3 application for a certificate or license for any of the following:

4 "(a) Unprofessional conduct..."

5 9. Section 2762 of the Code states:

6 "In addition to other acts constituting unprofessional conduct within the meaning of this
7 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this
8 chapter to do any of the following:

9 "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed
10 physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or
11 administer to another, any controlled substance as defined in Division 10 (commencing with
12 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
13 defined in Section 4022.

14 "(b) Use any controlled substance as defined in Division 10 (commencing with Section
15 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
16 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
17 himself or herself, any other person, or the public or to the extent that such use impairs his or her
18 ability to conduct with safety to the public the practice authorized by his or her license.

19 10. Health and Safety Code section 11173, subdivision (a), states:

20 "(a) No person shall obtain or attempt to obtain controlled substances, or procure or
21 attempt to procure the administration of or prescription of controlled substances, (1) by fraud,
22 deceit, misrepresentation, or subterfuge; or (2) by the concealment of a material fact."

23 11. Section 4022 states, in pertinent part:

24 "'Dangerous drug" or "dangerous device" means any drug or device unsafe for self-
25 use in humans or animals, and includes the following:

26 ...

27 (c) Any other drug or device that by federal or state law can be lawfully dispensed only
28 on prescription or furnished pursuant to section 4006."

1 12. Code section 2770.11 states:

2 “(a) Each registered nurse who requests participation in a diversion program shall agree to
3 cooperate with the rehabilitation program designed by a committee. Any failure to comply with
4 the provisions of a rehabilitation program may result in termination of the registered nurse’s
5 participation of a program. The name and license number of a registered nurse who is terminated
6 for any reason, other than successful completion, shall be reported to the board’s enforcement
7 program.

8 (b) If a committee determines that a registered nurse, who is denied admission into the
9 program or terminated from the program, presents a threat to the public or his or her own health
10 and safety, the committee shall report the name and license number, along with a copy of all
11 diversion records for that registered nurse, to the board’s enforcement program. The board may
12 use any of the records it receives under this subdivision in any disciplinary proceeding.”

13 13. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
14 administrative law judge to direct a licentiate found to have committed a violation or violations of
15 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
16 enforcement of the case.

17 **CONTROLLED SUBSTANCES/DANGEROUS DRUGS**

18 14. Morphine is a Schedule II controlled substance pursuant to Health and Safety Code
19 section 11055(b)(1)(M), and a dangerous drug pursuant to Business and Professions Code section
20 4022.

21 15. Nalbuphine, also known by the brand name Nubain, is a synthetic opioid that is not a
22 controlled substance, but is classified as a dangerous drug pursuant to Business and Professions
23 Code section 4022.

24 **FACTUAL BACKGROUND**

25 16. On or about March 16, 2007, Respondent was accepted into a drug diversion-
26 rehabilitation program called “MAXIMUS” on a self-referral basis after she admitted to diverting
27 opiates from her workplace while employed as a registered nurse at Pomona Valley Hospital
28 (PVH). Respondent admitted that the opiates she had been diverting from PVH for her own

1 personal use had initially consisted of morphine in the pill form and that thereafter, she began
2 diverting and using morphine in its injectable form. She further admitted that she had also
3 diverted the medication Nubain from PVH prior to her self-referral into the MAXIMUS diversion
4 program. Subsequently, on or about December 17, 2009, Respondent was terminated from the
5 MAXIMUS diversion program for reasons other than successful completion, at which point it
6 was also determined that Respondent is to be considered a public safety risk and a threat to the
7 public or her own health and safety.

8 **FIRST CAUSE FOR DISCIPLINE**

9 **(Use or Possess Dangerous Drugs/Controlled Substances in Violation of Law)**

10 17. Respondent is subject to disciplinary action under Code sections 2761 and 2762(a), in
11 conjunction with sections 4022 and 2770.11, and Health and Safety Code sections 11173(a) and
12 11055(b)(1)(M), in that she admitted she obtained and used controlled substances and/or
13 dangerous drugs in violation of law. The circumstances are as follows:

14 18. In or around the year 2007, Respondent admitted that she had been stealing/diverting
15 controlled substances and/or dangerous drugs, to wit: morphine in both the pill and injectable
16 forms, and Nalbuphine (also known by the brand name Nubain), from her place of employment at
17 Pomona Valley Hospital for her own personal use.

18 **SECOND CAUSE FOR DISCIPLINE**

19 **(Use of Controlled Substances to an Extent or in Manner Dangerous to Self or Public)**

20 19. Respondent is subject to disciplinary action under Code sections 2761 and 2762(b), in
21 conjunction with sections 4022 and 2770.11, and Health and Safety Code sections 11173(a) and
22 11055(b)(1)(M), in that she admitted she used controlled substances and/or dangerous drugs, to
23 wit: morphine in both the pill and injectable forms, and Nalbuphine (also known by the brand
24 name Nubain), and that her use was without a prescription and hence, injurious to herself. The
25 circumstances are as follows:

26 20. In or around the year 2007, Respondent admitted that she had been stealing/diverting
27 controlled substances and/or dangerous drugs, to wit: morphine in both the pill and injectable
28 forms, and Nalbuphine (also known by the brand name Nubain), from her place of employment at

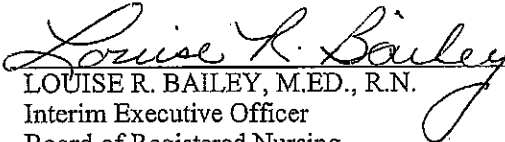
1 Pomona Valley Hospital and personally ingesting these medications for reasons other than for
2 legitimate medical purposes.

3 PRAYER

4 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
5 and that following the hearing, the Board issue a decision:

- 6 1. Revoking or suspending Registered Nurse License Number RN 403274, issued to
7 Respondent Valerie Ann White, AKA Valerie Anne Smith, AKA Valeree Ann Zamora;
8 2. Ordering Respondent to pay the Board the reasonable costs of the investigation and
9 enforcement of this case, pursuant to Business and Professions Code section 125.3;
10 3. Taking such other and further action as deemed necessary and proper.

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14 DATED: 5/25/10


LOUISE R. BAILEY, M.ED., R.N.
Interim Executive Officer
Board of Registered Nursing
State of California
Complainant

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19 accusation.rtf
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